



# SOUTH DAKOTA ACCOUNTABILITY MANUAL

## DEPARTMENT OF EDUCATION

### SPECIAL EDUCATION PROGRAMS

January 2009

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# I. Accountability Overview

## A. Statutory and Regulatory Requirements

The Individuals with Disability Education Act (IDEA) requires each state to have in place a general supervision system that monitors Part B programs' implementation of the law and its regulations.

**ARSD 24:05:20:18.01. State monitoring -- Primary focus.** The department shall monitor the implementation of this article, enforce this article in accordance with § 24:05:20:23.02 and annually report on performance under this article. The primary focus of the department's monitoring activities shall be on:

- (1) Improving educational results and functional outcomes for all children with disabilities; and
- (2) Ensuring that public agencies meet the program requirements under Part B of the IDEA, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

As a part of its responsibilities under this section, the department shall use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in the priority areas identified in § 24:05:20:18.02 and the indicators established by the U.S. Secretary of Education for the state performance plan.

## B. Purpose

The South Dakota Department of Education, Special Education Programs (SEP) has designed a general supervision and accountability system that includes multiple methods to: 1) ensure implementation of IDEA and the accountability of Local Education Agency (LEA) programs; 2) prevent noncompliance through annual technical assistance activities, 3) identify and correct noncompliance; 4) facilitate improvement; and 5) support practices that improve results and functional outcomes for all children with disabilities and their families. These methods and strategies are interrelated and as a whole, ensure that the LEA programs are implementing IDEA and improving results for children and their families.

South Dakota's integrated accountability procedures examine implementation of the Administrative Rules of South Dakota (ARSDs) as well as the use of effective instructional practices. Data from various sources is

reviewed annually to inform Special Education Programs (SEP) of needed changes to ensure compliance and quality practices supporting educational results for children with disabilities.

The Accountability Process is structured to manage the various activities that must be completed throughout the year by specific time frames for both the Department of Education, Special Education Programs (SEP) and Local Education Agencies (LEAs). This is especially important since completing activities in accordance with requirements is as equally important as completing activities by established timelines.

The General Supervision and Accountability System includes a variety of components that connect to form a comprehensive system. The components are described separately and include the responsibilities of the state and LEAs as appropriate.

### **C. Enforcement**

South Dakota's SEP ensures and enforces implementation of IDEA through clearly defined expectations in the following:

1. **Federal Regulations** – IDEA 2004 establishes the regulatory basis for improving educational results for children with disabilities. The guidance provides states with final regulations governing the education of children with disabilities as well as supplementary information through an analysis of comments and changes gathered through public comment.
2. **Administrative Rules of South Dakota** – What LEAs do directly impacts compliance with IDEA requirements and results for children with disabilities and their families. South Dakota Administrative Rules are to be implemented by LEA programs. The administrative rules: (1) are aligned with Part B of the IDEA; (2) are in effect statewide, and; (3) ensure that appropriate special education services, based on peer-reviewed research, to the extent practicable, are available for children with disabilities and their families.
3. **LEA Comprehensive Plan** – Each LEA must have a current comprehensive plan approved by the school board on file with the district superintendent or designee. Documentation supporting the implementation of the LEA's comprehensive plan shall be maintained by the district for review the SEP. Included in the LEA comprehensive plan are the policies and procedures that demonstrate compliance

with policies and procedures required under Part B of the IDEA and the ARSDs.

4. **Interagency Agreements** – SEP has in place interagency agreements with the School for the Blind and Visually Impaired, School for the Deaf, Department of Social Services, and the Department of Corrections that identify the responsibilities of the state agencies in the coordination and implementation of Part B requirements. These agreements also include financial obligations and procedures if disputes arise. Data from various sources are reviewed annually to determine if changes are needed in the interagency agreements.
5. **Annual Application for Part B Funds** - All local education agencies, state agencies, and applicable cooperatives will be notified annually of the availability of Individuals with Disabilities Education Act, Part B funds (Flowthrough Fund Applications). Requests for funds submitted to the department shall be reviewed by the department's Special Education Programs for consistency with the Individuals with Disabilities Education Act, Part B requirements.

In addition to the content requirements of the request for funds itself, reviewers from the department's Special Education Programs shall take into account a local education agency's failure to correct an identified deficiency found through state monitoring or a complaint investigation, consider any decision made in a due process hearing which was adverse to the local education agency, and consider any previous decisions that resulted in the withholding of funds.

The local education agency has an obligation to make all documents relating to the eligibility of the district, including the request for funds and any evaluations, periodic program plans, or reports required by the state for the Individuals with Disabilities Education Act, Part B project available to parents of children with disabilities and to the general public.

## II. Accountability Components

The accountability components include descriptions of a variety of sources and methods Special Education Programs will use to identify noncompliance with Part B of IDEA and to ensure correction. The components address preventative action taken through technical assistance and staff development, data analysis and identification of non-compliance through corrective action activities, incentives, and sanctions.

### **A. State Performance Plan/Annual Performance Report (SPP/APR)**

Every state is required to have a 6-year plan as an accountability mechanism for the state and LEA programs, which includes measurable indicators of the state's performance in specific statutory priority areas under Part B of IDEA (those most closely aligned with results for children and families). The SPP includes both compliance indicators (of which targets are 100% or 0%) and performance indicators (measurable and rigorous targets have been established by the state with stakeholder involvement). On an annual basis, the state is required to collect data from a variety of sources to report on its performance on each of the SPP indicators including whether or not it met the targets through the Annual Performance Report (APR).

### **B. Comprehensive System of Personnel Development (CSPD) and Technical Assistance**

Each LEA's comprehensive plan includes information to demonstrate that all personnel necessary to carry out Part B of IDEA are appropriately and adequately trained. The plan outlines the district's policies and procedures for the implementation of Part B of IDEA and acts as the basis for ensuring all requirements are met.

SEP reviews the APR to identify statewide and region-specific issues that may indicate a need for technical assistance. The statewide technical assistance plan is reviewed and modified as appropriate to address statewide and region-specific needs based on this analysis. Technical assistance activities are incorporated into a district's corrective action plan or PIIP based upon their issue specific needs. This process serves as an ongoing preventative activity which provides support to district staff.

### **C. Focus v. General Supervision Review**

The South Dakota Accountability system includes a process of identifying LEAs with specific noncompliance issues based upon the components of the State Performance Plan and Annual Performance Report Data resulting in a

focused review. The system also includes a general process for selecting a variety of other LEAs to participate in a general supervision review of the districts policies and procedures.

#### **D. Off-site or On-site Review**

A variety of processes will be used to analyze and verify data and respond to noncompliance findings. SEP will determine if an off-site or on-site visit is necessary based upon desk audit results, district level of determinations, self-assessment data, complaints/due process hearings, uncorrected noncompliance, lack of improvement on performance indicators or other areas determined by Special Education Programs.

#### **E. Data Sources**

The Department of Education (DOE) has in place the Student Information Management System (SIMS) to collect statewide data. The data system is designed to capture data that is required to be reported to the federal government (e.g. Part B 618 Data Tables). Data is also captured through SEP web based systems and excel reports. Data sources accessed through the accountability system include but are not limited to the following:

1. 618 Data (Federal Data Requirements)
2. Data System Reports (SPP data)
3. Self Assessment (annually)
4. CAP Tracking Log
5. Complaints/Dispute Data
6. Monitoring Reports
7. Data and Reports Submission Tracking Log
8. Personnel Report
9. Family Survey Data
10. Annual Performance Report (APR)
11. SEP Desk Audit
12. Child Count
13. Interviews
14. Surveys

Each LEA is responsible for developing procedures related to the data system, including steps to ensure accuracy and reliability of data, as well as the analyses. LEA procedures should address: 1) who is responsible for data entry and their specific responsibilities; 2) the process for reviewing data entered on a regular basis for accuracy and reliability; 3) the process for making corrections and responding to the SEP data verification form; 4) the process for generating data reports for use in identifying potential issues and related training and technical assistance needs; 5) looking at improving program performance; and 6) correcting and tracking progress on noncompliance issues.

#### **F. Identification of Noncompliance**

Through review and analysis of data, noncompliance can be identified through any or all of the accountability components. Noncompliance is identified through the SPP for each compliance indicator (target is 0% for Indicators 9 and 10, and 100% for Indicators 11, 12, 13, 15, and 20) for each LEA. The state consistently applies its definition of a finding of noncompliance for each compliance indicator for each LEA, requiring the development of a Corrective Action Plan.

#### **G. Low Performance on Performance Indicators**

Instances of low performance on performance indicators (e.g., Indicators 1, 2, 3, 4, 5, 6, 7, 8, and 14) are identified for each LEA. If a LEA's performance is less than the state established target for any performance indicator, the LEA may be required to develop a performance indicator improvement plan to improve progress toward meeting the state targets. The process/procedures for each accountability component are outlined in Section III.

#### **H. Corrective Action Plan (CAP)**

A corrective action plan is required for all findings of noncompliance and for compliance indicators not meeting the required 0% or 100%. Compliance indicators include 9, 10, 11, 12 and 13. Noncompliance must be corrected within one year of identification (date of notification letter/report from the state) and are tracked for timely correction.

#### **I. Performance Indicator Improvement Plan (PIIP)**

A PIIP may be required to be developed in response to low performance on performance indicators. Performance indicators include 1, 2, 3, 4, 5, 6, 7, 8 and 14. Districts will be referred to an online resource at

<http://doe.sd.gov/oess/specialed/SPP/index.asp> to choose a PIIP option.

The options are:

1. PIIP plan
2. Consolidated Application through Title
3. Other: District must contact SEP for approval.

#### **J. Levels of Determination**

Data analysis conducted during the accountability process provides information that is used by the state in making a level of determination of each LEA. The required components for making determinations include timely and accurate data, all compliance indicators, correction of non-compliance, and audit findings. The four levels of determination are: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial



Intervention. There are required enforcements for each determination that does not meet requirements. Enforcements are determined based on district performance.

**ARSD 24:05:20:23.04. State enforcement -- Determinations.** On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA. If the department determines, for two consecutive years, that a school district needs assistance in implementing the requirements of Part B of the IDEA, the department shall take one or more of the following actions:

(1) Advise the district of available sources of technical assistance that may help the district address the areas in which the district needs assistance. Assistance may include assistance from the department's special education programs, other offices of the department, other state agencies, technical assistance providers approved by the department, and other federally-funded nonprofit agencies. The department shall require the district to work with appropriate entities. Such technical assistance may include:

(a) The provision of advice by experts to address the areas in which the district needs assistance, including explicit plans for addressing the area of concern within a specified period of time;

(b) Assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically-based research;

(c) Designating and using distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, technical assistance, and support; and

(d) Devising additional approaches to providing technical assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under Part D of the IDEA, and private providers of scientifically-based technical assistance; and

(2) Identify the district as a high-risk grantee and impose special conditions on the district's grant under Part B of the IDEA.

If the department determines, for three or more consecutive years, that a district needs intervention in implementing the requirements of Part B of the IDEA, the department shall require the district to prepare a corrective action plan if the department determines that the district should be able to

correct the problem within one year or withhold, in whole or in part, any further payments to the district under Part B of the IDEA.

Notwithstanding the provisions of ARSD 24:05:20:23.04, if the department determines that a district needs substantial intervention in implementing the requirements of Part B of the IDEA or that there is a substantial failure to comply with any condition of the district's eligibility under Part B of the IDEA, the department shall withhold, in whole or in part, any further payments to the district under Part B of the IDEA.

#### **K. Incentives and Sanctions**

SEP recognizes LEAs when they have met or exceeded the established targets. When performance has not improved and noncompliance is not corrected in a timely manner, SEP has in place a range of formalized strategies and/or sanctions for enforcement along with written timelines.

##### **Incentives**

1. Recognition on the Special Education Program's website
2. Newsletter acknowledgement
3. Certificate of achievement
4. Paid registration for Special Education Conferences
5. Other

##### **Sanctions**

**ARSD 24:05:20:20. Deficiency correction procedures.** The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance.

Sanctions for noncompliance include the disapproval of local special education programs and the withholding of state and federal funds.

**Compliance.** If a school district either fails to voluntarily take steps to correct an identified deficiency or fails to take any of the corrective actions specified by the department or incorporated in a corrective action plan submitted by the school district and approved by the department, the department must notify the school district of the following:

- (1) The failure to voluntarily correct an identified deficiency constitutes a failure on their part to administer their special education program in compliance with federal law;

(2) The actions the department intends to take in order to enforce compliance with state and federal law;

(3) The right to a hearing prior to the department's exercise of its enforcement responsibility; and

(4) The consequence the department's enforcement action would have on continued and future state and federal funding of that school district's special education programs.

**State enforcement -- General.** If the department determines that a school district is not meeting the requirements of Part B of the IDEA, including the targets in the state's performance plan, the department shall prohibit the district from reducing the district's maintenance of effort under chapter 24:05:19 for any fiscal year.

Nothing in ARSD 24:05 restricts the department from using any other authority available to it to monitor and enforce the requirements of Part B of the IDEA.

**ARSD 24:43:07:01. Warnings, denial, suspension, or revocation of accreditation or approval.** An adverse action against an application for accredited or approval status, or against a currently-in-effect accreditation or approval may be initiated by the secretary of education for just cause at any time. The adverse action may include a warning, denial, suspension, or revocation of the accredited or approved status. Until a final determination is made according to § 24:43:07:07, the school district or nonpublic entity is designated as "on probation." The change in accredited or approved status is available to the public in department publications and on the department's website.

**ARSD 24:43:07:03. Warning and plan of corrective action.** An accredited public school district or approved nonpublic entity that is found in violation of a state law or administrative rule required for the accredited or approved status will be issued a letter of warning by the secretary of education. The letter will cite the law or administrative rule or both and state the alleged violation that caused the warning to be issued, and will set forth timelines for submission of a plan of corrective action.

**ARSD 24:43:07:04. Suspension or revocation for uncorrected violations.** An accredited public school district or approved nonpublic entity that does not present a plan of corrective action that corrects the violation within stated timelines, or that fails to implement a plan of corrective action with stated timelines, shall be recommended to the secretary of education

for the status of "on probation" until a final determination is made or until satisfactory evidence of correction of the violation is presented to the Department of Education.

### III. Accountability/General Supervision Procedures

Each of the accountability components dictates specific procedures to ensure general supervision is accomplished.

Technical assistance activities are implemented 1 year prior to data collection. (Indicator 13)

Districts verify data in March for indicators related to child count and fall enrollment (5, 6, 9 and 10) of the current year.

SEP schedules follow-up visits for indicators 9, 10, 15, 16, 17 and 19 in April and September to verify continued correction of non-compliance.

Districts verify data in August for indicators 1 and 3 during AYP data verification.

Districts verify data in September for indicators 4, 7, 11, 12, 13 and 14.

SEP determines district status in October following verification of data for indicators 1, 3, 4, 5, 6, 7, 8, 11, 12 and 13. Low performance or non-compliance results in district PIIP/CAP.

Districts verify data in November for indicator 2.

Districts receive notification of their local performance in meeting the state's targets for the State Performance Plan/Annual Performance Report in January for all indicators.

Each district's performance on meeting the state's targets is publicly reported annually on the SEP State Performance Plan Website in March.

Each district is assigned a "level of determination" in June annually.

Levels of determination are NOT publicly reported.

## A. Focused Reviews - State Performance Plan/Annual Performance Report

Each of the SPP indicators reflects a specific statutory requirement under Part B and serves as a measure of each LEA's performance in implementing IDEA. On an annual basis SPP indicator data is utilized to identify low performance and non compliance.

### Indicator 1:

#### **FAPE in the LRE – Performance Indicator**

Percent of youth with IEPs graduating from high school with a regular diploma.

#### **Step 1: Data Collection and Analysis**

- SIMS demographic data must be updated online by districts by June 15<sup>th</sup> annually.
- Raw data filtered by August 15<sup>th</sup> annually.
- According to NCLB Accountability Workbook, **ARSD 24:42:10:02. Public school or public school district to appeal not later than 10 days after notification.** A public school or public school district must submit a letter stating their intent to appeal the level designation to the department not later than 10 days after it receives its status notification from the department.
- SEP will notify special education directors when NCLB data is released.
- SEP reviews data to determine which districts did not meet state targets by October 1<sup>st</sup> annually.
- SEP will notify districts of the percentage of their graduation rate by October 1<sup>st</sup> annually.

#### **Step 2: Action Steps**

- Districts not meeting annual target will be required to develop and submit PIIP option.
- Trend data across a three year period will be reviewed for stability and/or decreased graduation rate. Districts not meeting performance will be required to participate in state initiated technical assistance.

#### **Step 3: Activities, Professional Development and Technical Assistance**

- Graduation and post-secondary planning activities
- National Dropout Prevention Center for Student with Disabilities

- Catch the Wave
- Summer Teacher Institute on Transition
- Youth Leadership Forum
- State Conferences
- Positive Behavior Intervention Supports

## Indicator 2:

### **FAPE in the LRE – Performance Indicator**

Percent of youth with IEPs dropping out of high school in the State.

#### **Step 1: Data Collection and Analysis**

- Fall Enrollment Data is collected the last Friday of September. Please refer to fall SIMS newsletter for accurate dates.  
<http://doe.sd.gov/ofm/sims/index.asp> (Information taken from enrollment and special education tab)
- In November, SEP notifies districts of their indicator status for data verification.
- Verified data is analyzed and districts are notified if they have not met annual target by January.

#### **Step 2: Action Steps**

- Districts not meeting annual target will be required to develop and submit PIIP option.
- Trend data across a three year period will be reviewed for stability and/or increased dropout rate. Districts not meeting performance will be required to participate in state initiated technical assistance.

#### **Step 3: Activities, Professional Development and Technical Assistance**

- Graduation and post-secondary planning activities
- National Dropout Prevention Center for Student with Disabilities
- Catch the Wave
- Summer Teacher Institute on Transition
- Youth Leadership Forum
- State Conferences
- Positive Behavior Intervention Supports



## Indicator 3:

### **FAPE in the LRE – Performance Indicator**

Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment without accommodations; regular assessment with accommodations; alternate assessment against grade level standards (not available in South Dakota at this time); alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

### **Step 1: Data Collection and Analysis**

- NCLB data from the test vendor received in June annually.
- SIMS demographic data updated online by districts by June 15<sup>th</sup> annually.
- Preliminary data to districts by August 15<sup>th</sup> annually.
- According to NCLB Accountability Workbook, **ARSD 24:42:10:02. Public school or public school district to appeal not later than 10 days after notification.** A public school or public school district must submit a letter stating their intent to appeal the level designation to the department not later than 10 days after it receives its status notification from the department.
- SEP will notify special education directors when NCLB data is released.
- All assessed report and NCLB data to be completed by October 15<sup>th</sup> annually.
- Final district AYP determinations by October 15<sup>th</sup> annually.
- All assessed report through Campus is compiled by SEP to determine participation and proficiency rates in November annually.
- Within 5 years, ensure all districts have file review for state and district-wide assessment.
- Accommodations spreadsheet (used for file review).

### **Step 2 –Action Steps**

- SEP will notify districts of their status in November annually.
- Districts not meeting participation rate will be required to complete a desk audit.

- Districts not meeting the proficiency annual targets will be required to develop and submit PIIP option.
- Trend data across a three year period will be reviewed for stability and/or decreased proficiency rate. Districts not moving toward or meeting targets will be required to participate in state initiated technical assistance.

**Annual Desk Audit for Participation Rate:**

- SEP will compile and provide each district with a list of students based on State/District assessment data who did not participate.
- Districts will submit appropriate documentation to support the lack of participation.

**Step 3: Activities, Professional Development and Technical Assistance**

- Individual Education Program Development
- Accommodation Training
- Response to Intervention (RtI)
- Positive Behavioral Interventions and Supports
- Cognitive coaching
- Data Retreats targeting Special Education data
- Instruction and Assessment Accommodations
- Conference presentation
- Technical Assistance Documents
  - Curriculum Guide for Parents
- Standards-based IEPs

## Indicator 4:

### **FAPE in the LRE – Performance Indicator**

Rates of suspension and expulsion:

- a) Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

#### **Step 1: Data Collection and Analysis**

- Reported through SEP secured website for federal suspension and expulsion data on or before June 30th.
- Child count data.
- Data is analyzed to determine which districts meet the significant discrepancy.
- In September, SEP notifies districts of their indicator status for data verification.

#### **Step 2: Action Steps**

- Any district with significant discrepancies in suspension and expulsion rates for students with disabilities will be required to develop and submit PIIP option to include:
  - Will be required to analyze the districts suspension/expulsion reporting procedures.
  - Will review the districts policies, procedures and practices relating to implementation of IEPs, procedural safeguards and the use of positive behavioral supports.
  - Will hold a joint meeting with Special Education Programs to discuss district policies, procedures and practices.

#### **Step 3: Activities, Professional Development and Technical Assistance**

- Positive Behavioral Interventions and Supports
- Data entry training

## Indicator 5:

### **FAPE in the LRE – Performance Indicator**

Percent of children with IEPs age 6 through 21:

1. Removed from regular class less than 21% of the day;
2. Removed from regular class greater than 60% of the day; or
3. Served in public or private separate schools, residential placements, or homebound or hospital placements.

#### **Step 1: Data Collection and Analysis**

- 618 Data received by December 1<sup>st</sup>.
- 618 Child count data finalized by February 1<sup>st</sup>.
- In March, SEP notifies districts of the indicator status for data verification.

#### **Step 2: Action Steps**

- Districts not meeting annual target will be required to develop and submit PIIP option.
- Trend data across a three year period will be reviewed for stability and/or increased/decreased least restrictive environment/placement categories. Districts not meeting performance will be required to participate in state initiated technical assistance.

#### **Step 3: Activities, Professional Development and Technical Assistance**

- Individual Education Program Development
- SIMS Training
- Title I – Special Education Workbooks
- Teacher Leadership Conference
- Title I Conference
- Individual Education Program Development
- Technical Assistance Documents
- Accommodations Workshops
- Disability Awareness Training

## Indicator 6:

### **FAPE in the LRE – Performance Indicator TBA**

#### **Step 1 – Data Collection and Analysis -**

- 618 Data received by December 1<sup>st</sup> annually.
- 618 Child count data finalized by February 1<sup>st</sup> annually.

#### **Step 2 – Action Steps -**

- Districts not meeting annual target will be required to develop and submit PIIP option.
- Trend data across a three year period will be reviewed for stability and/or increased/decreased least restrictive environment/placement categories. Districts not meeting performance will be required to participate in state initiated technical assistance.

#### **Step 3 - Activities, Professional Development and Technical Assistance -**

**TBA**

## Indicator 7:

### **FAPE in the LRE – Performance Indicator**

Percent of preschool children with IEPs who demonstrate improved:

1. Positive social-emotional skills (including social relationships);
2. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
3. Use of appropriate behaviors to meet their needs.

### **Step 1 – Data Collection and Analysis**

- Battelle Developmental Inventory II (BDI-II) submitted by the districts on or before August 1<sup>st</sup> annually.
- Targets will not be set until 2010
- In September, SEP notifies districts of their indicator status for data verification.
- Data is analyzed by SEP to determine performance levels in October.

### **Step 2 –Action Steps**

- Additional procedures will be implemented upon development of targets.
- Those districts that are not meeting annual target will be required to develop and submit PIIP option. (October)

### **Step 3 - Activities, Professional Development and Technical Assistance**

- Center for Early Literacy Learning (CELL) will provide training and technical assistance within the areas of early literacy development and implementation over the next three years.
- Early Literacy Workshops
- Early Childhood Behavior Management Workshop
- Battelle Developmental Training

## Indicator 8:

### **FAPE in the LRE – Performance Indicator**

Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

#### **Step 1 – Data Collection**

- SEP - Districts will receive parent surveys for dissemination by August 1<sup>st</sup> annually.
- Districts must disseminate surveys to parents by April 30<sup>th</sup>, annually.
- Child count data.

#### **Step 2 – Data Analysis**

- Parent survey data is received and calculated at Mountain Plain Regional Resource Center postmarked by May 30th annually.
- SEP receives and analyzes data calculations in September.

#### **Step 2 – Action Steps**

##### **Low Response Rate**

- SEP will notify each district with a low response rate of less than 10% by October 1<sup>st</sup> annually.
- Those districts identified with a low response rate will be required to submit to SEP within 30 calendar days of receiving the correspondence a written response which includes:
  - the district procedures for distributing the Indicator 8 survey the previous year; and
  - a description of the revised procedures the district will implement to raise the survey response rate.
- The written response will be submitted to SEP.
- Public reporting on the SEP website will include an “L” for low response rate.

##### **Addressing Parental Involvement**

- Districts not meeting annual target will be required to develop and submit PIIP option.
- Trend data across a three year period will be reviewed for stability and/or increased/decreased parental involvement. Districts not meeting performance will be required to work with SEP to develop strategies to improve parent involvement.



### **Step 3 – Activities, Professional Development and Technical Assistance**

- Technical Assistance Documents

## Indicator 9 and Indicator 10:

### **Disproportionality – Compliance Indicator**

Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

### **Disproportionality – Compliance Indicator**

Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that are a result of inappropriate identification.

### **Step 1 - Data Collection and Analysis**

Preliminary data for districts flagged with disproportionate over-representation and/or under-representation based on race and ethnicity with respect to eligibility and/or placement will be submitted to districts in order to verify accuracy of data and re-submittal to Special Education Programs (SEP) for recalculation.

- Fall Enrollment Data is collected the last Friday of September. Please refer to fall SIMS newsletter for accurate dates.  
<http://doe.sd.gov/ofm/sims/index.asp> (Information taken from enrollment and special education tab)
- Verification of accurate enrollment data completed in November.
- Child count data submitted December 1<sup>st</sup> annually.
- Verification of accurate child count data by January 15<sup>th</sup> annually.
- In March, SEP notifies districts of the indicator status for data verification.
- Districts will be notified of onsite visit in April for the upcoming year.

### **Non-flagged Districts: Districts under the Numerical**

**Disproportionality (Over 2.5 to 2.99-Under .31 to .2)** Following verification and recalculation, any district not flagged with numerical disproportionate over-representation and/or under-representation based on race and ethnicity or placement category is encouraged to use the Disproportionality Criteria Report as a self-assessment tool.

- To identify areas in need of improvement related to disproportionate representation of minority students and revise policies, practices and procedures as necessary to ensure continued compliance.
- To ensure the district has documentation of review of the policies, practices, and procedures with special education staff and evaluators.
- No submittal of information to SEP is required at this time.

- Districts may attend the disproportionality training to focus on reviewing and implementing changes to practices, policies, and procedures that may lead to disproportionate representation.
- SEP annually reviews districts disproportionality data, policies, practices and procedures.

**Flagged Districts: Disproportionality Representation (Over 3.0 or higher-Under .20 or lower)**

Following verification and recalculation, all districts still flagged with numerical disproportionate over-representation and/or under-representation based on race and ethnicity with respect to eligibility and/or placement category **must** go through an on-site review of the district's process to determine if appropriate identification is occurring.

**Step 2 – Action Steps**

**Flagged Districts:**  
**Disproportionality Representation (Over 3.0 or higher-Under .20 or lower)**

**Pre-site Activity:**

- SEP will send a letter of notification to the flagged districts in April. Enclosures will include:
  - *Child Find and Referral Procedure Document* – Interview questions to establish district policy/procedure.
  - *Disproportionality Criteria Report* – List of ARSD that may be the result of disproportionate over-representation and/or under-representation.
  - *Student File Review Form* – Lists data to be gathered from student records.
  - *Pre-site Data Form* – Specifies the % of files, data sources, district policies and staff the team will need access to during the on-site review.
- Focused on-site reviews for disproportionality will be conducted for this single purpose and will not be combined with other areas of identified non-compliance.
- On-site review dates and team leaders will be schedule following the April notification to districts.
- All on-site review for disproportionality will be completed between April 1<sup>st</sup> and December 1<sup>st</sup> annually.
- The team leader will contact the necessary individuals to act as team members to conduct the on-site review.
- The team leader will contact the district to set up specific review times, activity locations, work areas, documentation needed, student records

needed, interview schedule, teacher file reviews, observations etc. as needed.

- The team leader will send written follow-up to the district summarizing the schedule of events for the on-site review a minimum of two weeks prior to the on-site review date.
- The team leader will develop the necessary data collection forms for use by the team during the on-site visit.
- The team leader will inform the team members of specific district issues and schedule in preparation for the on-site review.

#### **On-site Activity:**

- On-site review will be conducted according to the established date.
- Entrance conference will be held to review the schedule details.
- The review team will review district policies, procedures and practices specific to the identified racial/ethnic group and/or categories of disability to determine if the identified practices within the Administrative Rules for South Dakota occur.
- An exit conference will be a discussion of causal factors in the district policy/procedures which resulted in district being flagged.

#### **Report Procedures:**

- The team leader will develop the written report and corrective action plans (CAP) and submits to SEP for review within 2 weeks of the on-site review date.
- The "Disproportionality Criteria Report" form will be used as the report document.
- SEP will review, recommend amendment and/or approve the report/CAP within 2 weeks of submission by the team leader.
- The team leader will make recommended amendments to the report/CAP and submit final copy to SEP within one week of return.
- SEP will send a hardcopy and an electronic copy of the report/CAP to the district upon final approval. A cover letter will accompany the report/CAP and provide the district with the report date and the dates of which the third, sixth and ninth month progress reports will be due.

#### **Corrective Action Plan Procedures:**

Districts found to be out of compliance and will implement activities relating to the Corrective Action Plan that will target specific practices and follow the timelines for completion.

- The team leader will, in consultation with the district, develop corrective action plan procedures in the report.

- Districts will be **required** to attend a training which focuses on reviewing and implementing changes to practices, policies, and procedures that lead to disproportionate representation as part of the corrective action plan.
- The district will be required to submit an electronic progress report to the team leader at third, sixth and ninth month intervals.
  - The team leader, in consultation with SEP will determine if the activities in the CAP have been met or not met.
  - Additional technical assistance needed by the district during the CAP process will be determined on a case by case basis.
  - Districts not showing substantial progress on the CAP activities by the ninth month submission will receive a letter from SEP regarding potential sanctions.
  - The district is responsible for implementing and completing the CAP activities within one year of the report date.

**Additional Requirements for LEAs with Significant Disproportionality: (Over 3.5 or higher)**

In addition to the procedures listed above districts reviewed for significant disproportionality are required to:

- Direct 15% of Early Intervening Service money to the resolving inappropriate identification.
- Send a district team to the data retreat including a general educator, principal, special education director, special education teacher and psychologist.
- Complete a compliance plan that will be reported to the public.

**Step 3 – Activities, Professional Development and Technical Assistance**

- Response to Intervention (RtI)
- National Disproportionality Forum
- Drill-down Data Retreat

# Indicator 11:

## **Effective General Supervision Part B / Child Find – Compliance Indicator**

Percent of children with parental consent to evaluate, who were evaluated within 25 school days.

### **Step 1 – Data Collection and Analysis**

- SEP downloadable spreadsheet submitted by district on or before August 1<sup>st</sup> annually.
- SEP reviews data to determine level of compliance by August 15<sup>th</sup> annually.
- In September, SEP notifies districts of their indicator status for data verification.

### **Step 2 – Action Steps**

- SEP will notify districts of non-compliance and action taken in October.
- Based upon the specific district data, SEP will implement one or more of the following actions:
  1. Policy and Procedure Review (all actions taken will require a review of the districts policy and procedures)
    - Within 30 calendar days of receiving the correspondence, districts identified with non-compliance are required to:
      - Review district procedures and submit documentation that this has occurred
      - Submit a copy of the revised procedures the district will implement to eliminate the delayed timeline.
  2. Desk Audit
    - The district will submit to SEP the prior notices and MDT reports listing dates of evaluations for initial evaluations not meeting the 25 school day evaluation timeline.
  3. On-site Review
  4. Submission of bi-monthly spreadsheets to track progress towards meeting compliance.
  5. Additional actions based upon the specific findings related to systemic issues.
  6. Additional actions determined by SEP, which may include fiscal sanctions.
- Districts must correct all non-compliance within one year.

### **Step 3 – Activities, Professional Development and Technical Assistance**

- Technical Assistance Documents
- Individual Education Program Development
- SPP Data Analysis

# Indicator 12:

## **Effective General Supervision Part B / Transition – Compliance Indicator**

Percent of children referred by Part C prior to age 3 who are found eligible for Part B and who have an IEP developed and implemented by their third birthdays.

### **Step 1 – Data Collection and Analysis**

- Part C exit data submitted by August 1<sup>st</sup> annually.
- SEP analyzes exit codes to determine areas of noncompliance in September.
- In October, SEP notifies districts of their indicator status for data verification.

### **Step 2 - Action Steps**

- SEP notifies districts of student concerns regarding non-compliance and action taken in October.
- Based upon the specific district data, SEP will implement one or more of the following actions:
  1. Policy and Procedure Review (all actions taken will require a review of the districts policy and procedures)
    - Within 30 calendar days of receiving the correspondence, districts identified with non-compliance are required to:
      - Review district procedures and submit documentation that this has occurred
      - Submit a copy of the revised procedures the district will implement to ensure an IEP is developed and implemented by the child's third birthdays.
  2. Desk Audit – SEP may conduct a desk audit of children referred by Part C prior to age 3, who are found eligible for Part B, but did not have an IEP developed and implemented by their third birthday.
    - The district will submit to SEP the prior notices and MDT reports listing dates of evaluations not meeting the third birthday timeline and the reasons for not meeting the timeline.
  3. On-site Review
  4. Submission of bi-monthly spreadsheets to track progress towards meeting compliance.
  5. Additional actions based upon the specific findings related to systemic issues.
  6. Additional actions determined by SEP, which may include fiscal sanctions.



- Districts must correct all non-compliance within one year.

### **Step 3 – Activities, Professional Development and Technical Assistance**

- Technical Assistance Documents

# Indicator 13:

## **Effective General Supervision Part B / Effective Transition – Compliance Indicator**

Percent of youth age 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.

### **Step 1 – Data Collection and Analysis**

- Indicator 13 Checklist, IEP, and Transition Self Assessment Reporting Form due on or before June 30<sup>th</sup> annually.
- 5 year monitoring schedule

### **Step 2 – Action Taken**

- One year prior to the scheduled monitoring year, (June 30<sup>th</sup> annually) districts will be notified by SEP of the requirements to complete and submit the Indicator 13 checklist.
- One year prior to the scheduled monitoring year, district personnel will be trained by transition liaison staff in how to complete the Indicator 13 checklist.
- During the scheduled monitoring year, district personnel will use the Indicator 13 checklist as they complete transition IEPs for their student's age 16 years or older.
- Districts will submit Indicator 13 checklists and IEP for 25% or a minimum of 10 files for transition students 16 years and older. Files must include a representative sample to include category of disability, race, age and severity of disability. (Note: if district has less than 10 transition age students, all files must be submitted).
- Once all Indicator 13 checklists are complete for the district's representative sample of disabilities for students 16 years and older, the district will fill out an overall district self-assessment report and submit it to Special Education Programs on or before June 30th annually:
  - a. Indicator 13 Checklist with a copy of the IEP
  - b. Transition Self-assessment Report
- Special Education Programs will check the reliability and validity of the checklists the district submits.
  - a. The reviewer will fill out a feedback form for each IEP reviewed.

- b. Special Education Programs may contact district personnel if there are questions or additional information is required.
- Following the completion of Indicator 13 feedback form SEP will: (in September)
  - a. Send a copy of the feedback forms to the district for all reviewed IEPs.
  - b. Send districts a notification letter stating if they are in-compliance or identifying non-compliance issues.
  - c. Provide districts with a corrective action plan requiring full compliance within one year.

### **Step 3 – Activities, Professional Development and Technical Assistance**

- Indicator 13 Training
- Transition Summer Institute for Teachers
- Annual Conferences
- Individual Education Program Process
- Transition in the IEP
- National Secondary Transition Technical Assistance Center (NSTTAC) Material

## Indicator 14:

### **Effective General Supervision Part B / Effective Transition – Performance Indicator**

Percent of youth who had IEPs are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school or both within one year of leaving high school.

#### **Step 1 – Data Collection and Analysis**

- Post-school website final submission date on or before June 30, annually.
- One Year Follow-up Survey will be conducted by Black Hills State University between April and September 30<sup>th</sup> of the year following exit of High School (dropout, age-out and graduate).
- SEP received compiled data from Black Hills State University in December.
- Districts will be notified of their performance on the State Performance Indicator 14 in January.

#### **Step 2 - Action Steps**

- Districts not meeting annual target will be required to develop and submit PIIP option.
- Trend data across a three year period will be reviewed for stability and/or increased/decreased least restrictive environment/placement categories. Districts not meeting performance will be required to participate in state initiated technical assistance.

#### **Step 3 – Activities, Professional Development and Technical Assistance**

Action resulting from low response rate from minority population.

- Send out survey letters to school with high populations of minority at the beginning of the April data collection period annually.
- Contact influential members of local school districts who are familiar with the leavers/exiter and have them collect the necessary survey data.
- Identify and contact key stakeholders of the minority population to assist with the collection of post school outcomes information.
- School district will remind student/parents/guardians at the last IEP meeting prior to exiting that they can anticipate a phone survey

beginning in April of the following year collecting post-school outcome information.

## Indicator 15:

### **Effective General Supervision Part B / General Supervision – Compliance Indicator**

General supervision system (including monitoring complaints hearings etc.) identifies and corrects non-compliance as soon as possible but in no case later than one year from identification.

#### **Step 1 – Data Collection and Analysis**

- Corrective Action Plans
- SEP tracking forms
- All Indicator data
- SEP will analyze data for meeting the one year compliance timelines.
- Data is analyzed by SEP to determine compliance levels by January 15<sup>th</sup> annually.

#### **Step 2 – Action Steps**

Monitoring system includes all accountability components and identified non-compliance issues statewide.

- Districts are notified through CAPS that non-compliance must be corrected within one year. Progress reports are required from districts at three, six and nine months.
- All required documentation will be submitted to the designated team leader.
- Districts not showing significant progress at six or nine months will be contacted by the assigned case manager and appropriate interventions will be determined.
  - Conference call
  - Technical Assistance
  - Desk audit
  - On-site visit
- Actions may be taken based upon the specific findings related to systemic issues.
- Additional actions may be taken determined by SEP, which may include fiscal sanctions.
- In April and September, SEP determines future onsite visits for indicators to verify continued correction of non-compliance.

### **Step 3 – Activities, Professional Development and Technical Assistance**

- Partnership formed with National Center for Special Education Accountability Monitoring.
- SEP will continue to revise and update technical assistance documents:
  - Extended School Year
  - Individual Education Program Guide
  - Determining Eligibility in South Dakota
  - Response to Intervention
  - Highly Qualified Teacher
  - Parental Rights (English and Spanish)
  - Graduation: A Technical Assistance Document
  - What Parents Should Know About Special Education in South Dakota
  - Mediation in South Dakota
  - Administrative Rules of South Dakota
- Annual Presentations and Training:
  - Accommodations for State and District Assessment
  - Individual Education Program Process
  - Transition Forums
  - Battelle Trainings
  - Advisory Panel Trainings
  - Positive Behavioral Intervention System (PBIS)
  - Response to Intervention (RtI)
  - Navigator Training
  - State Special Education Conference

#### **B. Focus vs. General Supervision review**

##### **Step 1: Data Collection**

Other districts may be selected to receive a review for a variety of reasons. A district may request SEP to conduct a visit to ensure specific or overall policies/procedures meet the state and federal requirements of general supervision. Districts may be selected for a general supervision review. Districts may also be selected for a focused review based upon specific indicator data analysis from the SPP/APR reporting.

##### **Step 1 - Data Collection and Analysis**

- State Data Tables
- District Child Count
- Department of Education Data
- District Requests

- Previous Monitoring Reports
- Previous Corrective Action Plan Data
- Various Survey Data
- All data sources will be reviewed and district selection made in April and September.
- SEP will determine if the districts selected will undergo a focused review based upon specific areas identified such as:
  - Timely and accurate data submission
  - To ensure continued correction to previous monitoring results
  - To ensure implementation of mediation agreements
  - Complaint, resolution session, due process follow-up
  - Least restrictive environment concerns
  - Transition of students from Part C to Part B 619
  - Selected districts will undergo an on-site visit regarding general supervision duties.

## **Step 2: Action Steps**

### **Pre-site Activity:**

- SEP will send a letter of notification to the selected districts in April and September. The notification will include information pertaining to the following:
  - The purpose of the review, based upon identified issues or general supervision selection.
  - Data used as a basis for the selection
  - Contact to be made by the team leader to establish review process
  - Availability of the district's comprehensive plan
- On-site reviews may include multiple purposes and may be combined with data collection needs or other areas of identified non-compliance and general supervision duties.
- In April and September, team leaders will be assigned to districts to begin scheduling onsite reviews.
- SEP will provide the team leader with documentation and data necessary to initiate the review process.
- The team leader will contact the necessary individuals to act as team members to conduct the on-site review.
- The team leader will contact the district to set up specific review times, activity locations, work areas, documentation needed, student records needed, interview schedule, teacher file reviews, observations etc. as needed.
- The team leader will send written follow-up to the district summarizing the schedule of events for the on-site review a minimum of two weeks prior to the on-site review date.



- The team leader will develop the necessary data collection forms for use by the team during the on-site visit.
- The team leader will inform the team members of specific district issues and schedule in preparation for the on-site review.

#### **On-site Activity:**

- On-site review will be conducted according to the established date.
- Entrance conference will be held to review the schedule details.
- Data collection activities will be implemented to validate the focused or general supervision issues identified.
- An exit conference will be a discussion of potential causal factors in the district policy/procedures which resulted in district's non-compliance.

#### **Report Procedures:**

- The team leader will develop a written report with corrective action plan (CAP) and submit to SEP within 2 weeks of the on-site review date.
- The "Accountability Report" document will be used as the report format.
- SEP will review, recommend amendment and/or approve the report/CAP within 2 weeks of submission by the team leader.
- The team leader will make recommended amendments to the report/CAP and submit final copy to SEP within one week of return.
- SEP will send a hardcopy and an electronic copy of the report/CAP to the district upon final approval. A cover letter will accompany the report/CAP and provide the district with the report date and the dates of which the 3, 6 and 9 month progress reports will be due.

#### **Corrective Action Plan Procedures:**

Districts found to be out of compliance will implement activities relating to the Corrective Action Plan that will target specific practices and follow the timelines for completion.

- The team leader will, in consultation with the district, develop corrective action plan procedures in the report.
- The district will be required to submit an electronic progress report to the team leader at three, six, and nine month intervals.
  - The team leader, in consultation with SEP will determine if the activities in the CAP have been met or not met.
  - Additional technical assistance needed by the district during the CAP process will be determined on a case by case basis.
  - The team leader will send a cover letter and a status report via email to the superintendent and cc (carbon copy) to the district special education director.

- Districts not showing substantial progress on the CAP activities by the ninth month submission will receive a letter from SEP regarding potential sanctions.
- The district is responsible for implementing and completing the CAP activities within one year of the report date.
- The final approval letter will be sent by SEP to the district notifying the district that all corrective action(s) have been completed.

### **Overview of Issue/Description of System or Process:**

Currently, South Dakota's monitoring revolves around three areas: general supervision, free appropriate education and least restrictive environment. Subcategories in these areas include: child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district in private schools, improving results through performance goals and indicators, suspension and expulsion rates, personnel and professional development, FAPE and suspension/expulsion, comprehensive evaluation, written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, and reevaluation and continuing eligibility, procedural safeguards notice, surrogate parents, consent, confidentiality and access to records, complaint procedures, and due process hearings, IEP team, written notice for IEP meeting, IEP content, transition, and other IEP requirements.

**ARSD 24:05:20:18. Program monitoring and evaluation.** In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, the special education programs of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations.

The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met.

Source: 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 33 SDR 236, effective July 5, 2007.

General Authority: SDCL [13-37-1.1.](#)

Law Implemented: SDCL [13-37-1.1.](#)

**ARSD 24:05:20:18.01. State monitoring -- Primary focus.** The department shall monitor the implementation of this article, enforce this article in accordance with § 24:05:20:23.02 and annually report on performance under this article. The primary focus of the department's monitoring activities shall be on:

(1) Improving educational results and functional outcomes for all children with disabilities; and

(2) Ensuring that public agencies meet the program requirements under Part B of the IDEA, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

As a part of its responsibilities under this section, the department shall use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in the priority areas identified in § 24:05:20:18.02 and the indicators established by the U.S. Secretary of Education for the state performance plan.

Source: 33 SDR 236, effective July 5, 2007.

General Authority: SDCL [13-37-1.1.](#)

Law Implemented: SDCL [13-37-1.1.](#)

**ARSD 24:05:20:18.02. State monitoring -- Quantifiable indicators and priority areas.** The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of FAPE in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

Source: 33 SDR 236, effective July 5, 2007.

General Authority: SDCL [13-37-1.1.](#)

Law Implemented: SDCL [13-37-1.1.](#)

### **Step 3 – Activities, Professional Development and Technical Assistance**

- SEP will continue to revise and update technical assistance documents:
  - Extended School Year
  - Individual Education Program Guide
  - Determining Eligibility in South Dakota
  - Response to Intervention
  - Highly Qualified Teacher
  - Parental Rights (English and Spanish)
  - Graduation: A Technical Assistance Document
  - What Parents Should Know About Special Education in South Dakota
  - Mediation in South Dakota
  - Administrative Rules of South Dakota
- Annual Presentations and Training:
  - Accommodations for State and District Assessment
  - Individual Education Program Process
  - Transition Forums
  - Battelle Trainings
  - Advisory Panel Trainings
  - Positive Behavioral Intervention System (PBIS)
  - Response to Intervention (RtI)
  - Navigator Training
  - State Special Education Conference



## Indicator 16:

### **Effective General Supervision Part B/General Supervision (Complaints) – Compliance Indicator**

Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

#### **Step 1 – Data Collection and Analysis**

- SEP implements protocol and maintain log with data/dates required for reporting purposes – on-going
- State data is analyzed by SEP to determine state status in September.

#### **Step 2 – Action Steps**

- Complaint investigators contracted through Mountain Plains Regional Resource Center are assigned as complaints are received.
- SEP, South Dakota Advocacy, Parent Connection and the Navigator Program work collaboratively to ensure parents are receiving appropriate services depending on their individual needs.
- Sample complaint forms are maintained on SEP website for use by districts and parents.
- SEP tracks timelines and contacts complaint investigator if necessary.
- SEP assists district in meeting the corrective action requirements as needed:
  - Technical assistance
  - IEP facilitation
- SEP schedules follow-up visits for indicators in April and September to verify continued correction of non-compliance.
- Districts with complaint findings will receive an on-site follow-up visit one year after the complaint is closed.

#### **Step 3 – Activities, Professional Development and Technical Assistance**

- Complaint Investigators Teleconference – Discussion of pertinent issues and procedural requirements – yearly on-going
- SEP will continue to update the website complaint logs – on-going
- SEP will continue to update the complaint process Q & A document.
- SEP will continue to work with SD Parent Connection and SD Advocacy to review and distribute the technical assistance resource, "What Parents Should Know...About Special Education in South Dakota."

- SEP will work with legal counsel, office of hearing examiners, consultants and stakeholders to develop and disseminate an informational complaint brochure to be included with a packet on dispute resolutions (complaints, due process hearing, resolution sessions, mediation).

## Indicator 17:

### **Effective General Supervision Part B/General Supervision (Due Process Hearings) – Compliance Indicator**

Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

#### **Step 1 – Data Collection and Analysis**

- SEP implements protocol and maintain log with data/dates required for reporting purposes – on-going
- The State monitors the hearing process and timelines.
- State data is analyzed by SEP to determine state status in September.

#### **Step 2 – Action Steps**

- South Dakota uses the state office of hearing examiners for due process hearing.
- SEP, South Dakota Advocacy, Parent Connection and the Navigator Program work collaboratively to ensure parents are receiving appropriate services depending on their individual needs.
- Sample Due Process forms are maintained on SEP website for use by districts and parents.
- SEP assists district in meeting the due process corrective action requirements as needed:
  - Technical assistance
  - IEP facilitation
- SEP schedules follow-up visits for indicators in April and September to verify continued correction of non-compliance.
- Districts with due process findings will receive an on-site follow-up visit within one year following the hearing decision.

#### **Step 3 – Activities, Professional Development and Technical Assistance**

- SEP continues to update and publish the Administrative Rules of South Dakota.
- SEP will work with legal counsel, office of hearing examiners, consultants and stakeholders to develop and disseminate an informational complaint brochure to be included with a packet on dispute resolutions (complaints, due process hearing, resolution sessions, mediation).



- SEP coordinates joint training for districts and parents on procedural safeguards—ongoing.

## Indicator 18:

### **Effective General Supervision Part B/General Supervision (Resolution Sessions) – Compliance Indicator**

Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

#### **Step 1 – Data Collection and Analysis**

- SEP implements protocol and maintain log with data/dates required for reporting purposes – on-going
- State data is analyzed by SEP to determine state status in September.

#### **Step 2 – Action Steps**

- South Dakota uses the state office of hearing examiners for due process hearing.
- SEP, South Dakota Advocacy, Parent Connection and the Navigator Program work collaboratively to ensure parents are receiving appropriate services depending on their individual needs.
- Upon request of a due process hearing, SEP contacts district/parents regarding the resolution session requirements and documentation requirements.
- Sample Resolution Session forms are maintained on SEP website for use by districts.

#### **Step 3 – Activities, Professional Development and Technical Assistance**

- SEP continues to update and publish the Administrative Rules of South Dakota.
- SEP will work with legal counsel, office of hearing examiners, consultants and stakeholders to develop and disseminate an informational complaint brochure to be included with a packet on dispute resolutions (complaints, due process hearing, resolution sessions, mediation).
- SEP coordinates joint training for districts and parents on procedural safeguards–ongoing.

# Indicator 19:

## **Effective General Supervision Part B/General Supervision (Mediation) – Compliance Indicator**

Percent of mediations held that resulted in mediation agreements.

### **Step 1 – Data Collection and Analysis**

- SEP implements protocol and maintain log with data/dates required for reporting purposes – on-going
- The State monitors the complaint and hearing process and timelines.
- State data is analyzed by SEP to determine state status in September.

### **Step 2 – Action Steps**

- South Dakota uses the state office of hearing examiners for due process hearing.
- SEP, South Dakota Advocacy, Parent Connection and the Navigator Program work collaboratively to ensure parents are receiving appropriate services depending on their individual needs.
- A sample mediation form is maintained on SEP website for use by districts and parents.
- SEP contacts and offers district and family mediation process to resolve issues within the required timeline.
- SEP contracts mediation services through outside resources.
- SEP coordinates date, time and location of mediation services.
- SEP assists districts in meeting the mediation agreements as needed:
  - Technical assistance
  - IEP facilitation
- SEP schedules follow-up visits in April and September to verify continued correction of non-compliance.
- Districts with mediation agreements will receive an on-site follow-up visit within one year following the date of the mediation agreement.

### **Step 3 – Activities, Professional Development and Technical Assistance**

- SEP continues to update and publish the Administrative Rules of South Dakota.
- SEP will work with legal counsel, office of hearing examiners, consultants and stakeholders to develop and disseminate an informational complaint brochure to be included with a packet on

dispute resolutions (complaints, due process hearing, resolution sessions, mediation).

- SEP coordinates joint training for districts and parents on procedural safeguards—ongoing.
- SEP continues to update and publish a technical assistance document “A Guide to Mediation in South Dakota.”
- Mediation Training provided to mediator including Mountain Plains Mediator teleconferences – on-going.

## Indicator 20:

### **Effective General Supervision Part B/General Supervision (Timely and Accurate Data) - Compliance Indicator**

State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

#### **Step 1 – Data Collection and Analysis**

- Data is analyzed by SEP to determine compliance/performance levels by January 15<sup>th</sup> annually.
- SEP has established target dates for receiving, analyzing, verifying and reporting data for each indicator and accountability component.

#### **Step 2 – Action Steps**

- District comprehensive plans require district policies and procedures for ensuring timely and accurate data to SEP.
- SEP has incorporated progress reporting and follow-up procedures into the action steps for indicators and accountability components to ensure non-compliance issues are corrected within one year.
- Written procedures will be developed for completing and accessing state data tables.
- One SEP staff is assigned to collaborate with the data manager in the data collection procedures, timelines and acquiring reliable data from district personnel.
- The Data Collections Office ensures there is multiple staff aware of the reporting requirements and procedures to collect and report Special Education data.
- Special Education Programs and the Office of Data Collection continue to work together to ensure mechanisms are in place for error free, consistent, valid and reliable data collection from local districts.

#### **Step 3 – Activities, Professional Development and Technical Assistance**

- SEP data manager will attend trainings on Student Information management System (SIMS) – annually.
- SEP data manager will attend Part B data manager's conference – annually.
- Training for local districts on the procedures for data collection and reporting – ongoing.

- SIMS training manual – special education module – updated and on-going training provided.
- The Office of Data Collection, Infinite Campus, and Special Education Programs provide district personnel with training on the SIMS data system – annually.
- SEP continues collaboration with National Center for Special Education Accountability Monitoring (NCSEAM).

## General Supervision – Schedule of Events

The following table (*Table 1: General Supervision Process*) depicts the flow of general supervision activities (by the state and LEAs) that occur on an annual basis. The table delineates and identifies activities that occur during each month of the year.

**Table 1: General Supervision – Schedule of Events**

Time Frame	State Level Activities	LEA Activities
July	<ul style="list-style-type: none"> <li>• SEP analyzes data for Indicators:                             <ul style="list-style-type: none"> <li>○ <b>Indicator 4</b> (Suspension and Expulsion),</li> <li>○ <b>Indicator 5</b> (LRE),</li> <li>○ <b>Indicator 6</b> (Preschool LRE)</li> <li>○ <b>Indicator 9</b> (Disproportionality Race),</li> <li>○ <b>Indicator 10</b> (Disproportionality Disability)</li> <li>○ <b>Indicator 14</b></li> </ul> </li> <li>• SEP reviews Transition IEPs for district participating in the self-assessment for <b>Indicator 13</b> (transition)</li> <li>• SEP will prepare parent survey to be printed.</li> <li>• SEP reviews Flow Through Applications</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare and Submit <b>Indicator 11</b> (Initial Evaluation Timeline) Spreadsheet</li> <li>• Enter final pre and post tests for <b>Indicator 7</b> (Preschool Outcomes) into the online Battelle System.</li> </ul>
August	<ul style="list-style-type: none"> <li>○ SEP analyzes data for indicators :                             <ul style="list-style-type: none"> <li>○ <b>Indicator 7</b> (Preschool Outcomes)</li> <li>○ <b>Indicator 11</b> (Initial Evaluation)</li> <li>○ <b>Indicator 12</b> (Transition C to B)</li> <li>○ <b>Indicator 13</b> (Secondary Transition)</li> <li>○ <b>Indicator 14</b></li> </ul> </li> <li>○ Prepares indicators 4, 7, 11, 12, 13 and 14 for district verification in September.</li> <li>○ DOE releases preliminary AYP data.</li> <li>○ DOE AYP appeal period begins.</li> </ul>	<ul style="list-style-type: none"> <li>• Submit spreadsheet for <b>Indicator 11</b>, the 25 school day evaluation timeline on or before August 1<sup>st</sup>, annually.</li> <li>• Submit data for <b>Indicator 7</b>, Battelle pre and post test results, on or before August 1<sup>st</sup>, annually.</li> <li>• LEAs review AYP results for graduation, proficiency, and participation.</li> <li>• LEA appeal AYP data</li> <li>• Districts will receive parent survey forms to disseminate to the parents of each student on the district's child count. All surveys must be disseminated to meet the return deadline date of May 31<sup>st</sup>, annually.</li> </ul>

**Table 1: General Supervision – Schedule of Events**

Time Frame	State Level Activities	LEA Activities
September	<ul style="list-style-type: none"> <li>SEP release indicator data for 1, 3, 4, 7, and 14 to LEAs for verification <ul style="list-style-type: none"> <li><b>Indicator 1</b> (Graduation from High School),</li> <li><b>Indicator 3</b> (State and district wide assessment),</li> <li><b>Indicator 4</b> (Suspension/Expulsion),</li> <li><b>Indicator 7</b> (Preschool Outcomes)</li> <li><b>Indicator 14</b> (Post Secondary outcomes)</li> </ul> </li> <li>SEP provides districts CAP plans: <ul style="list-style-type: none"> <li><b>Indicator 11</b> (Initial Evaluation Timeline),</li> <li><b>Indicator 12</b> (Transition from C to B),</li> <li><b>Indicator 13</b> (Secondary Transition)</li> </ul> </li> <li>SEP notifies districts of on-site monitoring visits for the upcoming year.</li> </ul>	<ul style="list-style-type: none"> <li>Performance Indicator Improvement Plans (PIIP) are due September 1 annually.</li> <li>LEAs review <b>Indicators 1, 3, 4, 7, 11, 12, 13, and 14</b> for potential errors.</li> <li>LEAs begin CAP for 11, 12, 13</li> </ul>
October	<ul style="list-style-type: none"> <li>SEP release indicator data for <b>Indicator 2</b> (Dropout Rate) to LEAs for verification</li> <li>SEP and DOE Data Collection office prepares 618 data tables for exiting, disciplinary, personnel, and dispute resolutions.</li> </ul>	<ul style="list-style-type: none"> <li>LEA review <b>Indicator 2</b> for potential errors.</li> </ul>
November	<ul style="list-style-type: none"> <li>SEP prepares LEAs final notification of all indicator data from previous year</li> <li>Special Education Program (SEP) will submit 618 tables for Exiting, Disciplinary, Personnel, and Dispute Resolution to Office of Special Education Programs (OSEP) no later than November 1st annually</li> <li>SEP will analysis SPP data for indicators: <ul style="list-style-type: none"> <li><b>Indicator 1</b> (Graduation from High School),</li> <li><b>Indicator 2</b> (Dropout)</li> <li><b>Indicator 3</b> (State and district wide assessment),</li> <li><b>Indicator 8</b> (Parent Involvement),</li> <li><b>Indicator 14</b> (Post Secondary outcomes survey),</li> <li><b>Indicators 15 through 20</b> (General Supervision),</li> <li><b>Indicator 15</b> (Corrective Action within one year),</li> <li><b>Indicator 16</b> (Complaints resolved in 60 days),</li> <li><b>Indicator 17</b> (Due process within 45</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>LEAs prepare for the December 1 child count submission</li> <li>LEAs will be notified of their final indicator status to be reported on the SEP website in March.</li> <li>LEAs will select their PIIP option.</li> </ul>



**Table 1: General Supervision – Schedule of Events**

Time Frame	State Level Activities	LEA Activities
	<ul style="list-style-type: none"> <li>days), <ul style="list-style-type: none"> <li>○ <b>Indicator 18</b> (Resolution Session settlements),</li> <li>○ <b>Indicator 19</b> (Mediation Agreements), and</li> <li>○ <b>Indicator 20</b> (Timely and accurate data)</li> </ul> </li> <li>• SEP prepares for APR reporting.</li> </ul>	
December	<ul style="list-style-type: none"> <li>• DOE Data Collection Office collects Child Count Data and provides TA to LEA.</li> <li>• SEP prepares for APR reporting</li> </ul>	<ul style="list-style-type: none"> <li>• Child Count due <b>December 1</b></li> <li>• LEAs sign off on child count</li> </ul>
January	<ul style="list-style-type: none"> <li>○ SEP prepares for APR reporting</li> <li>○ DOE Data Collection Office prepares 618 data for Child Count, LRE, and Assessment</li> </ul>	
February	<ul style="list-style-type: none"> <li>○ SEP submits Annual Performance Report (APR) to the federal OSEP no later than February 1<sup>st</sup> annually.</li> </ul>	<ul style="list-style-type: none"> <li>• LEAs reviews website before reporting to the public.</li> </ul>
March	<p>SEP reports to the public by posting the final APR /SPP data on the Website.</p> <p>SEP prepares, analyzes and releases indicators to LEAs for verification</p> <ul style="list-style-type: none"> <li>○ <b>Indicator 5</b> (LRE),</li> <li>○ <b>Indicator 6</b> (Preschool LRE)</li> <li>▪ <b>Indicator 9</b> (Disproportionality Race) and</li> <li>▪ <b>Indicator 10</b> (Disproportionality Disability)</li> </ul>	<ul style="list-style-type: none"> <li>• LEAs performance on the SPP indicators will be released to the public on the SEP website</li> <li>• LEAs review <b>Indicators 5, 6, 9, and 10</b> for potential errors</li> </ul>
April	<ul style="list-style-type: none"> <li>• SEP analyzes all indicator data and LEA progress on meeting targets for potential on-site visits or technical assistance.</li> </ul>	<ul style="list-style-type: none"> <li>• LEAs are notified of final status for Indicator 5, 6, 9 and 10.</li> <li>• <b>Indicator 8</b> Parent Surveys must be distributed by April 30<sup>th</sup>.</li> </ul>
May		<ul style="list-style-type: none"> <li>•</li> </ul>
June	<ul style="list-style-type: none"> <li>• SEP will send a letter to each district notifying them of their level of determination and the required action</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Indicator 13</b> (Secondary Transition) Data Submission for the scheduled districts (due by June 30<sup>th</sup> Annually)</li> <li>• LEAs must submit the IDEA Application for Federal Part B Funds to SEP on or before June 30<sup>th</sup> annually.</li> <li>• Enter data for <b>Indicator 4</b>, Suspension/Expulsion, on the website on or before June 30<sup>th</sup> annually.</li> <li>• Submit data for <b>Indicator 14</b>, Student Exit Survey, on or before June 30<sup>th</sup>,</li> </ul>

**Table 1: General Supervision – Schedule of Events**

Time Frame	State Level Activities	LEA Activities
		annually. <ul style="list-style-type: none"><li>All SIMS data must be completed on or before June 15<sup>th</sup> annually.</li></ul>
On-Going	<ul style="list-style-type: none"><li>SEP will review the progress on all recommended actions (CAPs) at their assigned 3, 6 and 9 month report dates.</li></ul>	<ul style="list-style-type: none"><li>The LEA is responsible for submitting progress reports on recommended actions (CAPs) every 3, 6 and 9 months. LEAs must bring all issues into full compliance within 12 months.</li></ul>

Documents listed in this manual may be found at:  
<http://doe.sd.gov/oess/specialed/forms/index.asp>